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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,809	01/22/2002	Bernard A. Traversat	5681-06900	9617

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EXAMINER
DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
2143	

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DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/054,809	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-111* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-111* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/13/06
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detail Action

Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 110-111 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page [127], line [10-17], the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., [storage medium RAM DRAM]) and intangible embodiments (e.g., [transmission media, signal]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the bottom, carrier medium and transmission media would be not statutory but storage media would be statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 110-111 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "tangible, computer accessible medium" is never been discussed in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8-16, 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al (us 2002/0062375) (hereinafter Teodosiu) in view of Borella et al (us pat 6269099) (hereinafter Borella).

As regarding claim 1, Teodosiu disclosed a plurality of peers, wherein each peer comprises a network node configured to communicate with one or more other ones of said peers over one or more networks (pg.1, par 8); a plurality of peer services or content provided by one or more of said peers (pg.1, par.10, pg.2, par 29); and a

service or content advertisement for each of said services or content, wherein each service or content advertisement comprises an identification of a corresponding service or content and an indication of how to access the corresponding service or content (pg.4, par 45-46). Teodosiu did not expressly disclose a peer advertisement for each of said peers, wherein each peer advertisement comprises an identification of and communication address for a corresponding one of said peers

Borella taught a peer advertisement for each of said peers, wherein each peer advertisement comprises an identification of and communication address for a corresponding one of said peers (see Borella col.6, lines 34-60).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Borella in the system of Teodosiu to have the peer advertisement for each said peer, wherein each peer advertisement comprises an identification of and communication address for a corresponding one of said peers because both inventions taught about the peer to peer network and how these peers communicate with one another.

A person with ordinary skill in the art would have been motivated to modify the system of Teodosiu to have the peer advertisement for each said peer, wherein each peer advertisement comprises an identification of and communication address for a corresponding one of said peers because using this advertisement would allow a network device to identify one another using networking protocols and increase network performance (see Borella col.2, lines 45-57).

As regarding claim 2, Teodosiu-Borella disclosed each peer advertisement is a programming language independent metadata document providing information about one of said peers (see Teodosiu pg.4, par 45-46).

As regarding claim 3, Teodosiu-Borella disclosed wherein one or more of said peer advertisements further comprises an indication of a service or content provided by the peer corresponding to that peer advertisement (see Teodosiu pg.2-3, par 31).

As regarding claim 4, Teodosiu-Borella disclosed indication of a service or content comprises one of said service or content advertisements (see Teodosiu pg.2-3, par 31).

As regarding claim 5, Teodosiu-Borella disclosed each of said peer advertisements further comprises an endpoint advertisement, wherein said endpoint advertisement specifies said communication address for the corresponding peer and a transport protocol for the corresponding peer (see Borella col.3, lines 14-20, col.6, lines 34-60). The same motivation was utilized in claim 1 applied equally well to claim 5.

As regarding claim 8, Teodosiu-Borella disclosed plurality of peer services or content comprises a plurality of peer services (see Teodosiu pg.4, par 44-46), and wherein each corresponding service advertisement comprises a pipe advertisement, wherein said pipe advertisement specifies a communication channel on which to send one or more messages to invoke the corresponding service (see Borella col.7, lines 37-51). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Teodosiu-Borella disclosed one or more of said peers are configured to discover one or more of said peer (see Borella col.3, lines 13-19), service

or content advertisements in order to locate other peers, services or content in the peer-to-peer network system (see Teodosiu pg.4, par 44-46). The same motivation was utilized in claim 1 applied equally well to claim 9.

As regarding claim 10, Teodosiu-Borella disclosed send a discovery query message specifying a desired type of advertisement (see Borella col.6, lines 34-60, col.7, lines 37-51); and receive one or more advertisements in response to said discovery query message (see Borella col.6, lines 34-60, col.7, lines 37-51).

As regarding claim 11, Teodosiu-Borella disclosed one or more of said peers are configured to publish their corresponding peer advertisements in the peer-to-peer network system to be discoverable by other peers (see Borella col.6, lines 34-60, col.7, lines 37-51). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claim 12, Teodosiu-Borella disclosed one or more of said peers are configured to publish one or more of said service or content advertisements in the peer-to-peer network system to be discoverable by other peers (see Teodosiu pg.2-3, par 31).

As regarding claim 13, Teodosiu-Borella disclosed each said peer advertisement and each said service or content advertisement is formatted according to a markup language schema defining elements of each type of advertisement (see Borella col.6, lines 34-60). The same motivation was utilized in claim 1 applied equally well to claim 13.

As regarding claim 14, Teodosiu-Borella disclosed plurality of peer services or content comprises a first service and a plurality of different implementations of said first service for different platform types (see Teodosiu pg.3, par 38-40).

As regarding claim 15, Teodosiu-Borella disclosed a service class advertisement describing said first service and a service implementation advertisement for each implementation of said first service wherein each service implementation advertisement describes a corresponding one of said implementations of said first service (see Teodosiu pg2-3, par 31, pg.4, par 44-46).

As regarding claim 16, Teodosiu-Borella disclosed one of said peers is configured to use an implementation of said first service supported by that peer's platform (see Teodosiu, fig.3).

As regarding claim 18, Teodosiu-Borella disclosed a first peer of said plurality of peers is implemented according to a first computing platform and wherein a first service of said plurality of services or content is implemented according to a second computing platform different from said first computing platform, wherein the corresponding service advertisement for said first service specifies a platform-independent method for accessing said first service so that said first peer can activate said first service (see Teodosiu pg.6, par 72-77).

As regarding claim 19, Teodosiu-Borella disclosed one or more of said service or content advertisements comprises a time-to-live indicator, wherein the corresponding advertisement is deleted or invalidated when the time-to-live indicator expires (see Teodosiu pag.3, par 40).

As regarding claim 20, Teodosiu-Borella disclosed said time-to-live indicator is decremented to reflect a current time-to-live when the corresponding advertisement is provided to another peer (see Teodosiu pg.3, par 40).

As regarding claim 21, Teodosiu-Borella disclosed one or more of said peer advertisements comprises a security credential for authenticating the corresponding peer (see Teodosiu pg.3, par 32).

As regarding claim 22, Teodosiu-Borella disclosed the security credential comprised by the peer advertisement for authenticating the corresponding peer is a public key signature (see Teodosiu pg.3, par 32).

As regarding claim 23, Teodosiu-Borella disclosed one or more peers of the plurality of peers are configured to authenticate the security credentials comprised by peer advertisements (see Teodosiu, pg.3, par 32).

As regarding claim 24, Teodosiu-Borella disclosed one or more peers are configured to confirm that the identification and security credential comprised by a particular peer advertisement indicate the same peer to authenticate each of the plurality of peers (see Teodosiu, pg.3, par 32).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu and Borella as applied to claim 1 above, and further in view of Rochberger et al (us pat 6,456,600) (hereinafter Rochberger).

As regarding claim 6, Teodosiu and Borella disclosed all limitations of claim 1, but the combinations of Teodosiu and Borella did not expressly disclose a plurality of

peer groups, wherein each peer group comprises a plurality of said peers; and a peer group advertisement for each said peer group, wherein each peer group advertisement comprises an identification of a corresponding peer group and an indication of a common set of services available to members of that peer group.

Rochberger taught a plurality of peer groups, wherein each peer group comprises a plurality of said peers (col.9, lines 16-29, col.10, lines 33-46); and a peer group advertisement for each said peer group, wherein each peer group advertisement comprises an identification of a corresponding peer group and an indication of a common set of services available to members of that peer group (col.9, lines 16-29, col.10, lines 33-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochberger in the system of Borella and Teodosiu to have plurality of peer groups, wherein each peer group comprises a plurality of said peers; and a peer group advertisement for each said peer group, wherein each peer group advertisement comprises an identification of a corresponding peer group and an indication of a common set of services available to members of that peer group, because the inventions of Rochberger, Teodosiu and Borella taught about the peer to peer network and how these peers communicate with one another.

A person with ordinary skill in the art would have been motivated to modify the system of Teodosiu and Borella to have plurality of peer groups, wherein each peer group comprises a plurality of said peers; and a peer group advertisement for each said peer group, wherein each peer group advertisement comprises an identification of a

corresponding peer group and an indication of a common set of services available to members of that peer group because using this advertisement would allow peer groups to communicate with one another (see Rochberger col.9, lines 8-35).

As regarding claim 7, Teodosiu-Borella-Rochberger disclosed indication of a common set of services comprises one of said service advertisements for each service of said common set of service (see Teodosiu pg.6, par 72-76).

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu and Borella as applied to claim 1 above, and further in view of Microsoft dictionary 4th edition (hereinafter Microsoft).

As regarding claim 17, Teodosiu and Borella disclosed all limitations of claim 1, and another one of said implementations of said service is a native code implementation (see Teodosiu pg.5-6, par 71-73) but the combinations of Teodosiu and Borella did not expressly disclose one of said implementations of said service is a Java implementation.

Microsoft taught said implementations of said service is a Java implementation (see Microsoft dictionary pg.252).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Microsoft to the system of Teodosiu and Borella to use Java implementation because Java is designed to be secure and platform-neutral, it can run on any platform. Java is a useful language for programming web applications (see Microsoft pg.252).

As regarding claims 25-38, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

As regarding claims 39-49, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

As regarding claims 50-56, the limitations are similar to claims 1-18 therefore rejected for the same rationale as claims 1-18.

As regarding claims 57-78, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

As regarding claims 79-93, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

As regarding claims 94-99, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

As regarding claims 100-109, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

As regarding claims 110-111, the limitations are similar to claims 1-24 therefore rejected for the same rationale as claims 1-24.

Response to Arguments

Applicant's arguments filed 1/13/06 have been fully considered but they are not persuasive.

Applicant argues that "the portions of Teodosiu cited by Examiner is not common to Teodosiu's provisional applications". Examiner disagrees, The provisional and the published application of Teodosiu discloses the same invention. Even though, the Provisional application is shorter (as pointed out by application in the remark pg.26), but it provide the base for the published application. Under U.S.C.112, it does not mentions that the provisional application and the utility application have to be the same length or exactly the same word by word with the utility application.

Applicant argues "under 35 U.S.C. 119 (e), a published utility application is not entitled to its provisional application's filling date as a prior art date unless at least one claim of the published utility application is supported in the provisional application" Claim 1 of the published utility application is clearly support by the provisional application (see provisional application 60/252,658, pg.2-6).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143

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